

Appl. No. 10/660,543  
Amdt. Dated October 14, 2004  
Reply to Office action dated September 9, 2004

## REMARKS/ARGUMENTS

Claims 1-17 remain in this application. Claims 1 and 17, the only independent claims, have been amended better to distinguish the applicant's invention over the cited prior art, as discussed more fully below. Claim 1 has also been amended so that it applies to the embodiments of both Fig. 1 and Fig. 2, thereby removing the basis for the Examiner's Sec. 112 rejection of claims 6-7 and 14-15.

The remaining claims 1-5, 8-13 and 16-17 are rejected for anticipation by the cited Jacobsen et al Patent. As herein amended, independent claims 1 and 17 both now define subject matter that is neither disclosed nor suggested by Jacobsen et al considered either alone or in any combination with the other prior art of record.

As defined, for example, in claim 1, the apparatus of applicant's invention includes a member that is movable along a path corresponding to the position of the object whose relative position is to be determined. A plurality of spaced electrical contacts are arranged along this path so that as the member moves along the path it comes into contact with one of the contacts. The contacts are in turn connected respectively to a corresponding plurality of memory locations or addresses of a memory ("data storing means"). Each of these memory locations stores a preset position data that uniquely corresponds to the position of the contact along the path to which it is connected. That is, in the applicant's apparatus, as described in amended claim 1, there is one-to-one, unique relationship between the preset data in the memory locations and the individual contacts to which these memory locations are respectively connected, so that the position data read out from the memory represents the contact to which the movable member is then in contact, and thus represents the relative position of the object, as desired.

It is submitted that this apparatus is significantly different from the one disclosed in Jacobsen et al, which discloses a digital apparatus for measuring the rotary displacement of a rotatable axle. An emitter in the form of concentric segmented tracks and spaced conductive sections mounted on the axle produces electric fields when they are energized. A detector including a Gray Code sensor and a Vernier array sensor is disposed adjacent to the emitter tracks to detect the electric fields produced by the tracks as the axle is rotated. The digital signals produced by the detector, which represent the rotary displacement of the tracks and thus of the axle, are applied, as seen best in Fig. 7 of Jacobsen et al, to a shift register 344 from which the data is read out to a utilization unit.

What is completely lacking in Jacobsen et al is the applicant's memory which contains at each of a plurality of addresses or memory locations a preset position data that corresponds to the position of one of a plurality of spaced contacts disposed along the path of movement of the movable member. When the member contacts one of the contacts, the position data stored in the memory location to which that contact is operatively connected is applied to an output device, which thus indicates the position of the movable member. The Examiner has stated that the shift register in the Jacobsen et al apparatus corresponds to the claimed memory and memory locations. However, as has just been demonstrated, the Jacobsen et al shift register does not meet the claimed definition of the applicant's position data memory having memory locations storing preset position data and arranged to supply output data from one of those memory locations depending on which of a plurality of contacts arranged along a path is then contacted by a member movable along that path.

Based on the foregoing discussion of the claims as herein presented and the cited prior art, it is submitted that the cited prior art does not suggest or disclose the applicant's invention. Applicant accordingly respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted.

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